

Serial No. 09/029,807

RCA88,391

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Harold Blatter

Application No.: 09/029,807

Filed: May 29, 1998

Title: UPGRADABLE ON-SCREEN DISPLAY SYSTEM

Examiner: Nguyen, H

Art Unit: 2712

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OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 C.F.R. 1.137(b) AND MPEP 7.11.03 (c)(III)(C)
AND (D)

Sir:

In response to the dismissal of the petition filed under 37 C.F.R. 1.137(b),
Applicant request that the request for this petition be reconsidered.

The petition was rejected under item 1 under 37 C.F.R. 1.137(b) as the proposed
reply required under consideration of a petition to revive must be an Appeal brief and
fee, an amendment that prima facie places the application in condition for allowance,
the filing of an continuing application, or a Request for Continued Examiner (RCE).
Applicants are filing this reconsideration of the petition with an RCE.

The petition was also rejected under item 3 as the present application was
abandoned for more than four years. Applicants are submitting the present facts below
to provide support that the abandonment of this application was unintentional.

#1. A Final Office Action for this Application was mailed on March 16, 2000.

#2. A Notice of Abandonment for this Application was mailed November 24,
2000.

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At this time in the Applicant's prosecution, the case was assigned to Francis Davenport. Upon further consultation with Mr. Davenport, he indicated that there was no intention in abandoning this case. A reply was never filed due to inadvertent error.

#3. October 2004 (exact date unknown), I was researching the United States Prosecution of this application in view the foreign patents that correspond to this docket. It came to my attention that this docket was abandoned. I contacted outside counsel to prepare a response and petition for this application.

#4. November 23, 2004, an Office Action Response was received from outside counsel for review.

#5. February 17, 2005 a revised Office Action Response was redrafted and filed in the U.S.P.T.O. with present petition.

Applicants believe the events addressed above indicate that the present application was not abandoned intentionally. The facts listed above also indicate the abandonment of the present application was unintentional as to allow this application to be revived under 37 C.F.R. 1.137(b).

It is believed that no additional fee is believed due with this response except for the RCE. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
Harold Blatter

By: 

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Thomson Licensing Inc.
Patent Operations
PO Box 5312

Serial No. 09/029.807
Princeton, NJ 08543-5312
September 19, 2005

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/029.807
	Filing Date	May 28, 1998
	First Named Inventor	Harold Blatter
	Art Unit	2712
	Examiner Name	Nguyen, H
	Attorney Docket Number	RCA88391
Total Number of Pages in This Submission 5		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Request for Continuing Examination is included with a RENEWED PETITION UNDER 37 C.F.R. 1.137(b)		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joel Fogelson
Signature	
Date	September 19, 2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Joel Fogelson	Date	September 19, 2005
Signature		Date	September 19, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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